

# Montana State Library

This cover sheet created by Internet Archive for formatting.



328.05  
L13 i  
1.7  
10.17



THE  
INTERIM



STATE OF MONTANA

DEC 04 1990

## The Monthly Report of Legislative Activity



MONTANA STATE LIBRARY  
1515 S. PARK AVE.  
HELENA, MONTANA 59620



Montana Legislative Council

---

NOVEMBER 1990 HELENA, MONTANA Vol. VII No. 17

---

PLEASE RETURN  
**PRE-SESSION CAUCUSES**

Nov. 17 Is Date...The pre-session caucuses will be held Saturday, Nov. 17, at 10 a.m. in the Capitol. Specific notices will be mailed as soon as possible after the election results are known. Many legislative committees plan meetings on the days immediately preceding the caucuses. The Legislative Council staff has developed a claim form that will enable legislators involved to file all their claims on one form.

## LEGISLATIVE COUNCIL

Meeting Nov. 16...The Legislative Council will meet Nov. 16 at 8 a.m. in Room 132 of the Capitol. A principal item of business will be designation of discretionary legislative interns.

### LEGAL DIVISION

Bill Drafting -- Limits -- Procedure: The Legislative Council has received 201 bill drafting requests as of Oct. 29. The rules of the 51st Legislature, which will remain in effect until new rules are adopted, limited bill drafting requests as follows:

- (1) Prior to 5 p.m. Dec. 5, a legislator may request an unlimited number of bills.
- (2) After 5 p.m. Dec. 5, a legislator may request no more than seven bills, and at least two of the seven must be requested before the

session convenes. A legislator who does not request at least two bills between 5 p.m. Dec. 5, and the convening of the session loses the two requests. A legislator who does not wish to use his or her requests may transfer the requests to other legislators.

The Legislative Council has adopted the policy that bill drafting requests will be worked on in the order that they are received. If a drafter begins work on a bill but is unable to complete the draft due to insufficient information, the request goes to the bottom of that drafter's list. The drafter will work on the request again when it is at the top of the drafter's list. It is extremely important that as much information as possible about the bill be submitted with the request. The production of bills is determined by each drafter's workload and the size and complexity of bills assigned to that drafter.

In December, the Legislative Council will begin sending preintroduction forms to legislators whose bills have been drafted and processed. Signing the preintroduction form has the same effect as introducing the bill during the session. The preintroduced bill will be assigned a bill number, printed, and be made available to the public. If necessary, a fiscal note will be prepared.

#### **LIBRARY:**

This month saw the completion of input of records from the card catalog to the online system. This tool will be available for use during the 1991 session. The library staff will be glad to give demonstrations.

#### **LEGAL MEMORANDUM:**

- The Legality of a Member of the State Legislature Receiving Compensation from the State While Receiving Compensation as an Employee of the United States Congress

#### **RESEARCH REPORT:**

- State Funding for School Facilities and Debt Service

## **COMMITTEE ON STATE EMPLOYEE COMPENSATION**

Pay Policy 100% of Market...The Committee on State Employee Compensation voted 5 to 4 Oct. 18 to support a state pay policy

reflecting 100 percent of the market average. The Committee had previously supported an initial 10 percent market lag with a target of 95 percent of market within five years. Compensation consultant Rollie Waters of the Dallas-based Waters Consulting Group, Inc., had recommended the lag policy because of the cost and the weighted survey data. The decision followed an Oct. 17 public hearing when a majority of state employees testified that they were worth 100 percent of the market this year. According to the Department of Administration's 1990 salary survey data, actual salaries for state employees are an average of 18.6 percent behind the market. The 10 percent initial market lag policy with a 4 percent across-the-board raise and an individual .25 of 1 percent progression raise for every full percent an employee's salary falls below the adjusted market salary (90 percent of the market average) will cost approximately \$72 million for the biennium. The average pay increase for state employees would be 6.7 percent under the plan. With an adjusted market salary set at 100 percent of the market rather than 90 percent, the 4 percent general increase and the .25 of 1 percent progression increase would cost an estimated \$100 million and give employees an average raise of 9.25 percent each year of the biennium.

Meeting Nov. 14 to Complete Recommendations...The Committee will meet again to discuss new options and costs based on the 100 percent pay policy line and to finalize its recommendations. The meeting is tentatively scheduled for 9 a.m., Nov. 14 in Room 108 of the Capitol.

Subcommittee Developing Options...Addressing other compensation issues, the Committee appointed a subcommittee to develop options and recommendations on shift differentials and hazardous duty pay. During a subcommittee conference call on Oct. 29, members agreed to recommend to the full Committee a \$.30 per hour shift differential for all state employees. State employees assigned to night shifts would be eligible for the \$.30 per hour differential for each hour worked between 6 p.m. and 7 a.m. The subcommittee will also recommend to the Committee that because "hazardous" is difficult to define, hazardous duty pay should be left to collective bargaining. Shift and hazard pay will be among the issues on the Committee's November 14 agenda.

## LEGISLATIVE AUDIT COMMITTEE

Licensing Recommended...At its meeting on Oct. 1, the Legislative Audit Committee held public hearings on the licensing of Respiratory Care Therapists, Naturopathic Physicians, and Midwives. The Committee voted to recommend licensing for the occupations to the 1991 Legislature.

November Meeting...The Legislative Audit Committee will meet Nov. 15 and 16 in Room 413 of the State Capitol to discuss:

Financial Reports

Guaranteed Student Loan Program, Commissioner of Higher Education  
Montana Health Facility Authority

Contracted Audit Reports

Montana State Lottery  
Montana Board of Housing

Public Hearings on Licensing Occupations

Auctioneers  
Property Managers

Finalize Sunrise Committee Report on These Occupations

Respiratory Care Therapists  
Naturopathic Physicians  
Midwives

Other Business

Draft Privatization Report  
HJR 16 Memo

## REVENUE OVERSIGHT COMMITTEE

Joint Meeting Held Sept. 28...The Revenue Oversight Committee (ROC) and the School Funding Implementation Committee met jointly on Sept. 28 to consider issues relating to the guaranteed tax base (GTB). The joint committee heard a progress report from the Office of Public Instruction (OPI) on the implementation of the guaranteed tax base for school districts and countywide retirement. Other reports were presented by Legislative Fiscal Analyst (LFA) staff and Legislative Council staff on the application of the GTB concept in support of school district capital outlay and transportation costs. The joint committee requested that OPI report on per-pupil spending by district and budget category, including an analysis of per-pupil expenditures in both current and inflation-adjusted dollars. The committee also requested that OPI determine whether poorer school districts are spending more and whether the per-pupil spending gap has narrowed. Finally, the committee requested that OPI and the Department of Revenue (DOR) make a joint recommendation to the next Legislature regarding the reporting of taxable value to school districts and

other deadlines relating to the public school budget cycle.

Regular meeting of ROC... Following adjournment of the joint committee meeting, the ROC met to conduct its regular business. The committee heard a report from LFA staff on the forecasting methods for statewide property tax collections. Statewide levies are imposed for the university system, the school foundation program, and state-assumed welfare. The property tax report was the last in a series of reports presented to ROC on revenue estimating methods. These reports were prepared to assist ROC in its revenue estimating duties required under SB 341, enacted by the 51st Legislature in regular session. The Committee also heard an LFA staff report describing the "revenue-neutral" property tax rate of switching from the current standing inventory method of taxing forest lands to a productivity method.

DOR presented progress reports on the property reappraisal cycle and on current litigation, including HB 703, the beneficial use tax, and the taxation of retirement income. DOR also discussed the impact of recent legislative changes and the railroad settlement on local government mill levies. DOR also provided the Committee with its legislative requests for the 1991 session.

Next meeting Nov. 16... ROC will meet Friday, Nov. 16, in Room 104, State Capitol. In anticipation of adopting economic assumptions as part of its revenue estimating duties, ROC will consider information and insights from knowledgeable persons relating to Montana population, employment, and personal income, as well as national trends relating to corporate profits, inflation, and interest rates. In addition, representatives from the mining associations will share their views on the outlook for the mining industries in the state. The Office of Budget and Program Planning will provide information on trends in statewide taxable valuation. Other agenda items include:

- (1) A University of Montana School of Forestry report on a pilot project to evaluate the productivity of forest lands;
- (2) A staff report on the sales tax data base; and
- (3) Consideration of DOR legislative requests.

## **MONTANA DISTRICTING AND APPORTIONMENT COMMISSION**

Number of Congressional Seats Uncertain... After several months of

uncertainty, it again appears that Montana will lose one of its members in the U.S. House of Representatives. Preliminary figures show Montana's population falls about 40,000 to 50,000 short of maintaining the second seat. A possibility is that the number of seats in the U.S. House may be increased, but it would still be uncertain if Montana would retain a second seat. The prospect is that Montana will elect a single member to the U.S. House in 1992.

Legislative District Criteria...With respect to redistricting the Montana Legislature, staff to the Commission continues to compile information, including criteria that may or must be used to redraw legislative district boundaries, and distribute it to members of the Montana Districting and Apportionment Commission. That work will complement a public hearing next spring when the Commission will take testimony on redistricting criteria that should or should not be used in Montana, followed by adoption of redistricting criteria.

Mailing List Preparation...Staff to the Commission is currently updating a mailing list of persons interested in the redistricting project. Persons who want to keep informed should contact the Legislative Council, Room 138, State Capitol, Helena, MT, 59620.

## COMMITTEE ON INDIAN AFFAIRS

Legislation Recommended...The Committee on Indian Affairs met Oct. 11 to consider 1991 legislation. Issues discussed included nepotism, pupil-instruction-related days, appointment of an American Indian to the Board of Regents, funding for an office of American Indian/Minority Achievement, protection of burial sites, and cooperation among social service agencies to assist urban Indians. The committee approved bills to:

- (1) appropriate money to the Commissioner of Higher Education for an office of American Indian/Minority Achievement; and
- (2) revise the nepotism law to allow two-thirds of the trustees of a school district to approve the appointment of a trustee's relative and to include a notification provision when an appointment takes place.

Action Deferred...The committee deferred action on:



- (1) a resolution calling for the appointment of an American Indian to the Board of Regents (seek comments from the Regents and from Governor Stephens); and
- (2) a resolution urging state social service agencies, tribal governments, and Indian social service agencies to cooperate in providing services to off-reservation Indians (seek comment from tribal governments).

More Study Needed...The committee rejected a bill to require school districts to devote one pupil-instruction-related day to cultural awareness. The members felt this issue merited further study. The burial site protection bill is still under consideration, and a decision has yet to be made on whether to request the committee to sponsor the bill.

Minority Education Conference...Senator Gage reported on a conference in El Paso, Texas, on minority postsecondary education sponsored by the State Higher Education Executives Organization and the Ford Foundation. Eight states, including Montana, described programs to recruit and retain minorities in higher education. Montana explained the Tracks Project. Ford Foundation, which funded Tracks, said it was one of the best projects and presentations they had ever had. Tracks was expanding into a much greater program than they had expected. The president of the University of Texas at El Paso told Senator Gage that one of the best aspects of the Tracks program was its adaptability for use by other minority groups.

Work Concluded...This was the last meeting of the Committee for this interim. The Committee will resume activities after the 1991 legislative session.

## **LEGISLATIVE OVERSIGHT COMMITTEE ON SCHOOL FUNDING IMPLEMENTATION**

Nov. 15 Is Meeting Date...The Legislative Oversight Committee on School Funding Implementation will meet Thursday, Nov. 15, at 9 a.m. in Room 108, State Capitol. The agenda may continue into Friday morning, Nov. 16. The tentative agenda for the two days includes:

- information from the Office of Public Instruction on school district budgets for Fiscal Year 1991 and school district expenditures for

Fiscal Year 1990, with special emphasis on the use of the guaranteed base tax program;

- a status report on tuition usage in Montana schools;
- draft legislation to allow exceptions to the new general fund budget caps and related changes;
- a status report on Public Law 81-874 funding in Montana;
- follow-up reports on options for equalization of school district capital outlay and debt service and school transportation;
- draft legislation to fund and to implement the educational telecommunications network;
- discussion of final recommendations to the 52nd Legislature; and
- Committee approval for the outline of the final report.

Time will be provided for public testimony on each agenda item.

## **JOINT SELECT COMMITTEE ON WORKERS' COMPENSATION**

Actuarial Review Contracted... During a telephone conference meeting of the Joint Select Committee on Workers' Compensation on Oct. 2, a decision was made to retain Joseph T. Flynn & Associates, LTD., of Alameda, Calif., to evaluate the reasonableness of the State Compensation Mutual Insurance Fund's actuarial reserves and incurred claims. A written report is required by Nov. 16.

Meeting on Nov. 26... The Committee will meet at 9:30 a.m. Monday, Nov. 26, to hear the report from the actuary and to consider actions that the report may indicate are necessary.

## **JOINT INTERIM SUBCOMMITTEE ON MARKETING OF MOTOR FUELS**

Two Bills Recommended... At its final meeting on Oct. 4, by majority vote, the Joint Interim Subcommittee on Marketing of Motor Fuels recommended two bills to the 52nd Legislature:

- LC 36 prohibits below-cost sales of motor fuels and incorporates the provisions included in the Senate Highways Committee's gray bill form of HB 464 from the 51st Legislature; and

- LC 39 strengthens Montana's Unfair Trade Practices and Consumer Protection Act by incorporating provisions similar to the federal Robinson-Patman anti-price discrimination law.

## LEGISLATIVE FINANCE COMMITTEE

Postsecondary Education Committee Recommendations...At its Oct. 12-13 meeting, the Legislative Finance Committee met jointly with the Postsecondary Education Committee (PSEC) to hear recommendations resulting from its interim work:

(1) budgets for vocational-technical centers be based on an enrollment-driven funding formula; (2) federal Carl Perkins vocational education funds currently appropriated to vo-tech's current unrestricted subfund be removed from the general operating budget and reclassified as current restricted funds; (3) the annual operating budgets for the university system and vo-techs should be appropriated to the Board of Regents in a lump sum; and (4) a permanent committee composed of legislators, regents, and executive branch representatives be formed to foster communication and improve the university system's accountability.

The two committees also heard a report on the progress of the university centralized personnel reporting system. The 1989 legislature mandated that the university system and vocational-technical centers be included on the state central payroll system by Jan. 1, 1991, to ensure that the legislature had more detailed information concerning the units' and centers' personal service costs. The legislature appropriated \$650,000 for needed system development. The Office of Budget and Program Planning (OBPP) reported that the steering committee formed to oversee the project has determined that several university units do not need to be included in the state central payroll system and has authorized creation of a separate central reporting system, which will not be completed until July 1, 1991. The estimated cost of operating and maintaining this system during the 1993 biennium will be \$571,323.

Budget Amendments...The Committee expressed concern about the unusually large number of budget amendments submitted for the Committee's review at this meeting: 70 budget amendments totalling \$39.8 million or 165 percent more than the combined total of all budget amendments submitted during the biennium. After the Committee requested OBPP to delay amendments that could wait for legislative

action, OBPP reduced the requested amount by \$17.7 million.

At the meeting, the Committee reviewed a number of staff reports, including the following:

September Revenue report...Based on current revenue estimates and collections, the combined ending fund balance of the general fund and school equalization accounts will be approximately \$75 million at the end of fiscal 1991. Revenue collections through September are "on target" with estimates. However, fiscal 1991 expenditures are likely to be higher than anticipated, particularly for the school equalization guaranteed tax base program and medicaid.

Department of Fish, Wildlife, and Parks Declining Fund Balance...Since 1987, the Department of Fish, Wildlife, and Parks has spent more from its general license account (97 percent of which comes from hunting and fishing licenses and permits) than it has collected, reducing its ending fund balance from \$9 million in 1986 to \$5 million in 1991. This imbalance exists because in recent years:

- (1) the number of license sold has remained relatively constant; (2) license fee increases have been earmarked to new programs; and (3) expenditures have increased faster than revenues due primarily to construction of new headquarters, upgrading of fish hatcheries, and program expansion.

The LFA staff report projects that the account will remain solvent through the 1995 biennium if the legislature continues funding at current levels, as adjusted for inflation and pay plan increases. However, the account will experience a deficit in 1994 if the legislature approves the department's budget request. For the next biennium, the department has requested 43 budget modifications totalling \$4.2 million (\$2.8 million of which would be funded from the account). Options available if the legislature wants to fund program expansion in the department are increasing fees/quotas and de-earmarking license fees. The report provides background analysis on these options.

Workers' Compensation...The staff reported on the implementation of the May special session legislation that split the State Fund into the new and old businesses and made other changes in its operation. Since its creation in January 1990, the State Fund has increased its staffing levels from 176.0 to 206.14 FTE and approved salary increases for its staff (who are exempt from the state classification plan) ranging from 2.5 to 65 percent. In adopting fiscal 1991 premiums to fund the new business, the

State Fund Board made several policy decisions which increased the rate:

- (1) reduced the discount rate (the estimated interest earned on reserves); (2) increased the claims adjustment reserve level; and (3) did not include all anticipated revenue.

These decisions, which increased premium increase needs by several million dollars, were designed to ensure that the new business remained actuarially sound. The State Fund's actuary projects that an average 12.1 percent increase will be needed for fiscal 1992, largely due to the end of the statutory "freeze" on benefits and medical payments in fiscal 1992. The rest of the projected increase is to build reserves.

The State Fund's market share is increasing: since 1983, the number of employers purchasing State Fund coverage has grown by 15 percent, while the number of employers purchasing coverage from private insurers has declined 19 percent during the last three years. The majority of employers covered by the State Fund are small employers, a group which traditionally has had difficulty in securing coverage from private carriers. In fiscal 1989, 61 percent of employers insured by the State Fund paid less than \$1,000 in annual premiums. Based on a 1988 survey and more recent information, the premiums charged by the State Fund are 45-50 percent lower than those charged by private insurers for most job classifications.

Property Appraisal Computer System...The Department of Revenue is notably behind schedule on a number of tasks associated with the current reappraisal cycle, which must be completed by 1993. Problems with the development of its computer assisted mass appraisal system (CAMAS) have caused most of the delays. This system, which was scheduled to be fully operational in November 1989, is still not fully tested and functioning. The department has encountered equipment failures, problems with software, inadequate capacity on the computer it purchased to run the system, printing difficulties, and problems in data transfer. While the department has resolved some of these problems and is working to solve others, the total cost of the system will be significantly higher than the \$1.5 million estimate provided to the 1989 Legislature. In response to questions raised by the report and the Committee, the department estimated that total costs would be near \$3 million. It identified \$1.9 million additional needs in fiscal 1991-1993 above current requested and budgeted levels.

Medicaid and State Medical...During the period 1984-1990, Montana's total medicaid expenditures have grown at an average annual

rate of nearly 12 percent. However, during the last year of this period, expenditures increased nearly 17 percent. If this trend continues, Montana's medicaid costs will escalate dramatically during the 1993 biennium. The primary factors increasing these costs have been: (1) increased numbers of persons becoming eligible for medicaid services; and (2) increased utilization of medicaid services by those who are eligible. Based on comparisons with other states in the region, Montana ranked third in total medicaid expenditures per capita and first in the number of medicaid recipients per capita in 1989. Montana was one of only three states in the region providing medicaid services to the "medically" needy category. In addition, Montana appears to have more "categorically needy" persons to whom medicaid services must be provided. In late 1987, Montana ranked first in the region in the number of AFDC recipients per capita and second in the number of food stamp and SSI recipients per capita.

The Department of Social and Rehabilitation Services presented a report to the Committee discussing options for reducing the scope and cost of the State Medical Program.

## **JOINT INTERIM SUBCOMMITTEE ON ADULT AND JUVENILE DETENTION**

Final meeting...The Subcommittee on Adult and Juvenile Detention met Oct. 12-13 to hear testimony and take final action on recommendations to the 1991 Legislature.

Federal testimony received...The Subcommittee heard testimony from Jeff Allison, U.S. Office of Juvenile Justice and Delinquency Prevention, on proposed legislation to bring Montana into compliance with federal laws which prohibit the detention of juveniles in adult jails and lockups. Allison said Montana's compliance with the federal law is tenuous, despite progress made over recent years. In 1988, Montana had 304 reported violations of the federal law, because of juveniles being detained in adult jails and lockups. These violations included 67 instances in which children who committed no crime (status offenders and nonoffenders such as abused and neglected children) were securely detained in adult facilities. Allison noted that, without enactment of an enforceable state law to prohibit the detention of status offenders and nonoffenders in adult jails, Montana would be ineligible next year to receive federal funding for state juvenile justice programs. In addition, because Montana is not in total compliance with other requirements of federal law, federal funding for Montana is in jeopardy unless the Legislature next year demonstrates an

unequivocal commitment to achieve full compliance with the federal law. Mr. Allison concluded that, if the Subcommittee's proposed legislation is enacted into law (LC 66, 67, 68, and 69), Montana would not only retain federal funding and achieve compliance with the federal law, but it would enact good, sound policy for the detention of Montana's youth, and this could set a example for similarly-situated states in the country.

Other testimony...The Subcommittee also heard testimony from Joe Thome, a federal consultant with the Community Research Associates, on policy and program issues regarding legislation to provide alternatives to the detention of juveniles in jail. The Subcommittee also heard Terry Traynor, North Dakota Association of Counties, explain the use of holdovers and the establishment of state-local partnerships in juvenile detention services.

Legislation recommended... The Subcommittee reviewed 26 draft bills and recommended:

LC 66 requiring counties to provide youth detention services; authorizing establishment of holdovers and regional detention facilities; providing state assistance for county youth detention services including youth detention facilities, shelter care, holdovers, and programs for the transportation of youth to regional detention facilities; and requiring state approval of county plans for providing youth detention services as a condition of providing state assistance to counties.

LC 67 to prohibit placement of youth in need of supervision in a jail, secure detention facility, or correctional facility.

LC 68 to revise the 24-hour statutory period for holding a youth in jail; to prohibit the detention of youth in jail except under certain circumstances; to allow a 6-hour exception for holding a youth in jail for the purpose of identification, processing, or transfer of the youth to a shelter care or youth detention facility; to provide a limited 24-hour exception for the detention of a youth in jail pending a probable cause hearing; and to clarify detention procedures following a probable cause hearing.

LC 69 to restrict placement or evaluation of predispositional youth at a state correctional facility; to eliminate the requirement that the department of family services provide additional youth evaluation programs to replace services performed at state institutions; and to clarify the responsibility of counties to pay the cost of youth evaluations ordered by the court.

LC 70 authorizing the board of crime control to adopt standards for the design, maintenance, and operation of jails and lockups; and providing for implementation of standards.

LC 71 allowing the use of two-way electronic audio-visual communication in certain criminal proceedings; and allowing two-way electronic audio-visual communication in initial appearances, bail hearings, preliminary examinations, and arraignments.

LC 72 to require out-of-state governmental units to pay the confinement costs of inmates held on their behalf in the local jail; and to require all arresting agencies to pay the medical costs incurred by persons who are arrested but not subsequently incarcerated in jail.

LC 73 requiring sentencing courts to determine if inmates incarcerated in local detention centers have the ability to pay incarceration costs; requiring sentencing courts to order financially able inmates to pay for the cost of their incarceration; and providing that the funds collected from inmates be used to reimburse the governmental entities liable for the incarceration costs of inmates.

LC 74 providing general relief medical assistance for qualified persons incarcerated in secure facilities operated by a local authority.

LC 75 to reduce the pretrial jail population by providing speedier resolution of misdemeanor criminal cases; to provide for early review and screening of misdemeanor cases and the early release of certain misdemeanor defendants; to require courts to try to expedite the prosecution of certain defendants held in custody; and to impose a limit on the time a defendant may be held prior to trial.

LC 76 removing imprisonment as a penalty for minor traffic offenses.

LC 77 providing for garnishment and attachment of property for persons who fail to pay fines for minor traffic offenses; eliminating incarceration, in many instances, for failure to pay fines; and allowing individuals who are unable to pay to perform community service in lieu of payment.

LC 78 allowing home arrest in lieu of imprisonment for certain criminal offenses; allowing home arrest for both adult and juvenile offenders; and prohibiting home arrest for certain felony offenses.

LC 79 to allow sentences of imprisonment for DUI offenses to be



served in secure facilities other than county jails.

LC 80 eliminating the requirement that mandatory treatment for DUI offenses be provided only through approved treatment programs; and allowing mandatory treatment for DUI offenses to be obtained from any certified dependency counselor.

LC 81 authorizing a judge to require a person to install an ignition interlock device when convicted of driving under the influence of alcohol or drugs or operating a motor vehicle while having an alcohol concentration of 0.10 or more; directing the department of justice to require installation of an ignition interlock device prior to issuance of a restricted probationary license to a person ordered by the court to install the device; directing the department of justice to adopt rules providing for approval of ignition interlock devices; and allocating a portion of the driver's license reinstatement fee to fund ignition interlock devices for indigents.

LC 84 prohibiting the detention of mentally ill persons in jail pending a civil commitment hearing; requiring sheriffs and jail administrators to screen and divert from jail certain persons who appear to be seriously mentally ill; providing alternatives to the placement of mentally ill persons in jail; requiring the department of institutions to establish crisis intervention programs; and authorizing targeted case management services for the mentally ill under the Medicaid program.

LC 85 establishing a program to provide state aid for local government jails; authorizing issuance of revenue bonds to finance grants for the planning, construction, and renovation of regional jails; requiring state reimbursements for the cost of housing state prisoners in local jails; allowing the use of local jails to house probation and parole violators; and further allowing use of local jails to house state prison inmates.

LC 86 imposing an additional charge on each person convicted of certain offenses for the purpose of servicing bonds sold to fund state grants for regional jails.

LC 87 to authorize a permissive levy for regional jails and county juvenile detention programs; to exclude the levy from the property tax limitations of Initiative Measure No. 105; and to allow imposition of permissive levies without a vote.

LC 89 statutorily appropriating a portion of lottery proceeds to fund juvenile detention programs.

LC 90 appropriating a portion of the net income on video gambling machines to fund juvenile detention programs; and statutorily appropriating the funds.

LC 91 a resolution directing the board of crime control to allocate formula grant funds received under the federal Juvenile Justice and Delinquency Prevention Act to fund programs to achieve compliance with section 223(a)(14) of the federal Act.

Legislation without recommendation...The Subcommittee voted to make no recommendation in regard to the following legislation:

LC 83 providing for seizure of motor vehicles at the time of arrest for a repeat DUI offense, if the arrestee has prior convictions for DUI and is driving with a suspended or revoked license; and providing for forfeiture of such vehicles.

Legislation rejected...The Subcommittee rejected:

LC 82 providing for administrative impoundment of license plates of motor vehicles used by repeat DUI offenders; providing for issuance of special license plates; and requiring a peace officer to remove license plates on accessible vehicles when issuing a notice to appear for repeat DUI offenses.

LC 88 to authorize local option taxes for local correctional facilities.

The Subcommittee also rejected an alternative bill to LC 72 which would have required all arresting agencies, including city police departments, to pay the cost of incarcerating prisoners in the county jail.

Final report... The Subcommittee will issue its final report in late December.

## WATER POLICY COMMITTEE

Last Meetings Set...The final two 1989 interim Water Policy Committee meetings are scheduled for November. The next Water Policy Committee meeting will begin at 9 a.m., Friday, Nov. 9, in room 104 of the Capitol and will be largely dedicated to reviewing draft sections for the Committee's report. The Committee will be presented with policy options for consideration and action on the four draft report sections noted below. The Committee will make substantive decisions on Montana water policy

and will consider specific recommendations to the legislature. Public comment on these issues is vital and is encouraged. Following public comment, the Committee will consider policy options and recommendations on:

Water Research - A substantive analysis of the Interagency Water Research Policy Advisory Board Report and a review of the water research draft section.

Federal-State Water Relations - A review of the draft section on Federal/State Water Relations, specifically focusing on: water development; hydro-power; reserved water rights compact commission, and the Pick-Sloan program.

State Water Plan - An update on water plan modifications and a review of the new water planning process and the draft report section.

Water Leasing - An update on water leasing progress. The Committee will also review the state agency final study report on water leasing and review the draft section on water leasing.

Final Session...The final Committee meeting will begin at 9 a.m. Friday, Nov. 27, in room 104 of the State Capitol. At this meeting the Committee will make final recommendations for its report to the 52nd legislature. The Committee will also receive its last update on the water leasing study and discuss recent developments regarding the Reserved Water Rights Compact Commission. Public comment is encouraged.

## ENVIRONMENTAL QUALITY COUNCIL

Meeting Begins Nov. 13...The Environmental Quality Council will meet Tuesday, Nov. 13, at 7 p.m. in room 104 of the State Capitol and will continue through Thursday, November 15, 1990. Tuesday evening will start with a review of Council action on the Rural Development Study. The specific study issues -- sewage disposal, geothermal development, residential development, and fallout shelter construction will be reviewed and final Council action will be considered.

Hard Rock Mining Recommendations...Hard Rock Mining issues will complete Tuesday evening's agenda. The Hard Rock Mining Impact Board will present legislative recommendations to the Council and the final report of the Mine Permitting Review Advisory Council will also be presented.

The Council will then consider the hard rock mining component of the SJR 22 Ground Water Study and follow-up on questions from the last EQC meeting regarding hard rock mining and the Department of State Lands environmental review process.

Forest Management Issues...Wednesday's meeting, beginning at 8 a.m., will start with a review of forest management issues. Department of State Lands personnel will report on the 1990 BMP Field Audits and will discuss the implementation of HB 678 regarding private landowner access to BMP information. The Council will then be briefed regarding the sustained yield concept and its relation to timber harvest and supply. A review of information generated through the Log Scaling Study and consideration of legislative options will complete the Forestry portion of the meeting. The meeting will continue with consideration of the SJR 22 Ground Water Study. The Council will review the proposed Ground Water Data Management Program draft bill and funding options. The Council will then examine the relationship between water supply and water quality and review water well drilling regulations as well as consider a Local Water Well Districts draft bill. A discussion of underground storage tanks and draft bills regarding septic systems and sewage disposal will complete Wednesday's meeting.

Solid Waste Management...Thursday's meeting will start at 8 a.m., and will focus on the SJR 19 Solid Waste Management Study. This Council working session will examine the details of draft legislation regarding: integrated waste management; solid waste importation; funding; regionalization; infectious waste; and household hazardous waste.



## INTERIM CALENDAR

Nov. 6, General Election

Nov. 9, Water Policy Committee,  
Room 104

Nov. 12, Veterans Day, Holiday

Nov. 13, Environmental Quality  
Council, Room 104, 6-9 p.m.

Nov. 14 and 15, Environmental  
Quality Council, Room 104

Nov. 14, Committee on State  
Employee Compensation, Room

108, 9 a.m.

Nov. 15 and 16, Legislative Oversight Committee on School Funding  
Implementation, Room 108

Nov. 15 and 16, Legislative Audit Committee, Room 413

Nov. 16, Revenue Oversight Committee, Room 104

Nov. 16, Legislative Council, Room 132

Nov. 16-18, Western States Legislative Forestry Task Force, Seattle

Nov. 17, Presession caucuses

Nov. 22, Thanksgiving Day, Holiday

Nov. 23, Heritage Day, Holiday

Nov. 26, Joint Select Committee on Workers' Compensation, Room  
104, 9:30 a.m.

Nov. 27, Water Policy Committee, Room 104

Dec. 6 and 7, Environmental Quality Council, Room 108

Dec. 7, Revenue Oversight Committee, Room 104

Dec. 25, Christmas, Holiday

Jan. 1, New Year's, Holiday

Jan. 7, 52nd Legislature convenes

340 copies of this public document were published at an estimated cost of 40¢ per copy, for a total cost of \$136.00, which includes \$136.00 for printing and \$.00 for distribution.

MONTANA LEGISLATIVE COUNCIL  
ROOM 138  
STATE CAPITOL  
HELENA, MT 59620



